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LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023			NGUYEN, PHONG H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/585,622	NIWATA ET AL.	
	Examiner	Art Unit	
	PHONG NGUYEN	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9 and 11-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/11/2006; 2/5/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. **Claims 1-5, 7-9 and 11-17** of this US application are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 7/11/2006 and 2/5/2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Examiner Notes

3. With respect to **claims 1, 2 and 3** which are system claims, the recited "a memory" in line 4, is interpreted as hardware physical device inherently tied to a machine or apparatus. Therefore, claims 1-5 and 11-17 are statutory under 35 U.S.C. § 101.

With respect to **claims 7, 8 and 9** which are method claims, examiner notes that the claimed functions must, inherently, require a computer processor or CPU as taken in view of page 8 lines 27-29 in the instant disclosure. Therefore, claims 7, 8 and 9 are statutory under 35 U.S.C. § 101.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4, 7-9, 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication Number 2002/0087588 issued to Stephen Larry McBride et al. ("McBride") in view of U.S. Patent Number 5,745,669 issued to James M. Hugard et al. ("Hugard").

As per claim 1, McBride teaches *a computer system comprising:*

a first storage unit (40), storing an OS program, an application program, and data (paragraph [0038] and Figure 1: hard disk drive 26);

a memory (20), for respectively spreading, as necessary, the OS program, an application program, and data stored in the first storage unit (paragraph [0038] and Figure 1: memory 14);

a program execution unit (10), performing spread onto the memory and execution of the OS program when provided with an instruction of starting up the system, performing spread onto the memory and execution of a specific application program for which a startup instruction is provided under management of the OS program spread on the memory, and performing, as necessary, a process of preparing new data on the memory or modifying existing data on the memory (paragraph [0038]

Art Unit: 2162

and Figure 1: a processor or Central Processing Unit ("CPU") 12 that control the overall functioning of the computer system); *and*

an spreading and storing unit (30), executing, based on an instruction of a program being executed by the program execution unit, an spreading process of spreading data, stored in the first storage unit, onto the memory and a storing process of storing data spread on the memory into the first storage unit (paragraph [0041] and Figure 1: A hard and floppy disk controller 25 serves as an interface between the CPU 12 and a number of drives);

the computer system further comprising:

a second storage unit (70) for storing backup data (paragraph [0020]: One of the backup data storage locations may be a hard drive in the host computer or in a computer networked to the host computer);

a backup management unit (60), monitoring operations of the spreading and storing unit and performing, when the spreading and storing unit executes the storing process of storing specific data, spread on the memory, into the first storage unit based on an instruction of an application program registered in the application registration unit, a process of redundantly storing a copy of the specific data into the second storage unit as backup data (paragraph [0015]: The mirroring application monitors the source data for change and, upon detecting changes to the source data, copies the source data to a backup data storage location accessed by the host computer via the Internet).

McBride does not explicitly teach an application registration unit (50), registering one or a plurality of application programs based on an instruction of an operator.

Hugard teaches *an application registration unit (50), registering one or a plurality of application programs based on an instruction of an operator* (column 4, lines 33-47: monitoring user-selected files (e.g., application files) upon request by the user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride with the teaching of Hugard because it would save the memory or disk drive storage and CPU usage of the computer by monitoring and storing only information about users' selected application programs.

As per claim 2, McBride teaches *a computer system comprising:*

a first storage unit (40), storing an OS program, an application program, and data (paragraph [0038] and Figure 1: hard disk drive 26);

a memory (20), for respectively spreading, as necessary, the OS program, an application program, and data stored in the first storage unit (paragraph [0038] and Figure 1: memory 14);

a program execution unit (10), performing spread onto the memory and execution of the OS program when provided with an instruction of starting up the system, performing spread onto the memory and execution of a specific application program for which a startup instruction is provided under management of the OS program spread on the memory, and performing, as necessary, a process of preparing new data on the memory or modifying existing data on the memory (paragraph [0038]

Art Unit: 2162

and Figure 1: a processor or Central Processing Unit (“CPU”) 12 that control the overall functioning of the computer system); *and*

an spreading and storing unit (30), executing, based on an instruction of a program being executed by the program execution unit, an spreading process of spreading data, stored in the first storage unit, onto the memory and a storing process of storing data spread on the memory into the first storage unit (paragraph [0041] and Figure 1: A hard and floppy disk controller 25 serves as an interface between the CPU 12 and a number of drives);

the computer system further comprising:

a second storage unit (70) for storing backup data (paragraph [0020]: One of the backup data storage locations may be a hard drive in the host computer or in a computer networked to the host computer);

a backup management unit (60), monitoring operations of the spreading and storing unit and performing, when the spreading and storing unit executes the storing process of storing specific data, with a file name including an extension registered in the extension registration unit, from the memory into the first storage unit, a process of redundantly storing a copy of the specific data into the second storage unit as backup data (abstract and paragraph [0022]: A data file mirroring application that monitors data files stored in a source directory for archiving to at least two other backup data storage locations).

McBride does not explicitly teach an extension registration unit (55), registering, based on an instruction of an operator, one or a plurality of extensions among file name extensions associated with application programs.

Hugard teaches *an extension registration unit (55), registering, based on an instruction of an operator, one or a plurality of extensions among file name extensions associated with application programs* (column 5, lines 27-31: files which have file extensions which are provided by the user as files to be monitored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride with the teaching of Hugard because it would save the memory or disk drive storage and CPU usage of the computer by monitoring and storing only information about users' selected files.

As per claim 3, McBride teaches *a computer system comprising:*

a first storage unit (40), storing an OS program, an application program, and data (paragraph [0038] and Figure 1: hard disk drive 26);

a memory (20), for respectively spreading, as necessary, the OS program, an application program, and data stored in the first storage unit (paragraph [0038] and Figure 1: memory 14);

a program execution unit (10), performing spread onto the memory and execution of the OS program when provided with an instruction of starting up the system, performing spread onto the memory and execution of a specific application program for which a startup instruction is provided under management of the OS

Art Unit: 2162

program spread on the memory, and performing, as necessary, a process of preparing new data on the memory or modifying existing data on the memory (paragraph [0038] and Figure 1: a processor or Central Processing Unit ("CPU") 12 that control the overall functioning of the computer system); and

an spreading and storing unit (30), executing, based on an instruction of a program being executed by the program execution unit, an spreading process of spreading data, stored in the first storage unit, onto the memory and a storing process of storing data spread on the memory into the first storage unit (paragraph [0041] and Figure 1: A hard and floppy disk controller 25 serves as an interface between the CPU 12 and a number of drives);

the computer system further comprising:

a second storage unit (70) for storing backup data (paragraph [0020]: One of the backup data storage locations may be a hard drive in the host computer or in a computer networked to the host computer);

a backup management unit (60), monitoring operations of the spreading and storing unit and performing, when the spreading and storing unit executes the storing process of storing specific data, with a file name including an extension registered in the extension registration unit, from the memory into the first storage unit based on an instruction of an application program registered in the application registration unit, a process of redundantly storing a copy of the specific data into the second storage unit as backup data (abstract and paragraph [0022]: A data file mirroring application that

Art Unit: 2162

monitors data files stored in a source directory for archiving to at least two other backup data storage locations).

McBride does not explicitly teach an application registration unit (50), registering one or a plurality of application programs based on an instruction of an operator; and an extension registration unit (55), registering, based on an instruction of an operator, one or a plurality of extensions among file name extensions associated with application programs.

Hugard teaches *an application registration unit (50), registering one or a plurality of application programs based on an instruction of an operator* (column 4, lines 33-47: monitoring user-selected files (e.g., application files) upon request by the user); *and an extension registration unit (55), registering, based on an instruction of an operator, one or a plurality of extensions among file name extensions associated with application programs* (column 5, lines 27-31: files which have file extensions which are provided by the user as files to be monitored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride with the teaching of Hugard because it would save the memory or disk drive storage and CPU usage of the computer by monitoring and storing only information about users' selected application programs or files.

As per claim 4, McBride teaches *a new file name is generated by changing, based on a predetermined algorithm, an extension portion included in a file name of*

Art Unit: 2162

data stored into the first storage unit (40) and storing the backup data into the second storage unit (70) using the new file name (paragraph [0074]: filenames on the mirror disk have a revision number placed after the filename and before the extension).

As per claim 7, McBride teaches *an automatic data backup method for making data be backed up automatically in a computer system having a function of making a desired application program be executed under management of an OS program (see abstract and paragraph [0038]), the backup method comprising:*

an application judgment step for making the computer system judge, when the computer system executes a storing process of storing specific data into a predetermined storage location, whether or not the storing process is based on an instruction of an application program that has been registered in the application registration step (paragraph [0015]: the mirroring application monitors the source data for change); and

a backup step for making the computer system redundantly store a copy of the specific data as backup data into a location that differs from said storage location when a positive judgment result is obtained in the application judgment step (paragraph [0015]: upon detecting changes to the source data, copies the source data to a backup data storage location accessed by the host computer via the Internet).

McBride does not explicitly teach an application registration step for making one or a plurality of application programs, among application programs to be executed, be registered by the computer system based on an instruction of an operator.

Art Unit: 2162

Hugard teaches *an application registration step for making one or a plurality of application programs, among application programs to be executed, be registered by the computer system based on an instruction of an operator* (column 4, lines 33-47: monitoring user-selected files (e.g., application files) upon request by the user).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of McBride with the teaching of Hugard because it would save the memory or disk drive storage and CPU usage of the computer by monitoring and storing only information about users' selected application programs.

As per claim 8, McBride teaches *an automatic data backup method for making data be backed up automatically in a computer system having a function of making a desired application program be executed under management of an OS program* (see abstract and paragraph [0038]), *the backup method comprising:*

an extension judgment step for making the computer system judge, when the computer system executes a storing process of storing specific data into a predetermined storage location, whether or not the specific data has a file name including an extension that has been registered in the extension registration step (see abstract and paragraph [0022]: a data file mirroring application that monitors data files stored in a source directory); *and*

a backup step for making the computer system redundantly store a copy of the specific data as backup data into a location that differs from said storage location when

Art Unit: 2162

a positive judgment result is obtained in the extension judgment step (see abstract and paragraph [0022]: upon detecting changes to the source data, copying the source data to two or more backup data storage locations).

McBride does not explicitly teach an extension registration step for making one or a plurality of extensions, among file name extensions associated with application programs to be executed, be registered by the computer system based on an instruction of an operator.

Hugard teaches *an extension registration step for making one or a plurality of extensions, among file name extensions associated with application programs to be executed, be registered by the computer system based on an instruction of an operator* (column 5, lines 27-31: files which have file extensions which are provided by the user as files to be monitored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of McBride with the teaching of Hugard because it would save the memory or disk drive storage and CPU usage of the computer by monitoring and storing only information about users' selected files.

As per claim 9, McBride teaches *an automatic data backup method for making data be backed up automatically in a computer system having a function of making a desired application program be executed under management of an OS program (see abstract and paragraph [0038]), the backup method comprising:*

an application judgment step for making the computer system judge, when the computer system executes a storing process of storing specific data into a predetermined storage location, whether or not the storing process is based on an instruction of an application program that has been registered in the application registration step (paragraph [0015]: the mirroring application monitors the source data for change);

an extension judgment step for making the computer system judge, when the computer system executes a storing process of storing specific data into a predetermined storage location, whether or not the specific data has a file name including an extension that has been registered in the extension registration step (abstract and paragraph [0022]: a data file mirroring application that monitors data files stored in a source directory); *and*

a backup step for making the computer system redundantly store a copy of the specific data as backup data into a location that differs from said storage location when positive judgment results are obtained in both the application judgment step and the extension judgment step (paragraph [0015]: upon detecting changes to the source data, copies the source data to a backup data storage location accessed by the host computer via the Internet; see abstract and paragraph [0022]: upon detecting changes to the source data, copying the source data to two or more backup data storage locations).

McBride does not explicitly teach an application registration step for making one or a plurality of application programs, among application programs to be executed, be

Art Unit: 2162

registered by the computer system based on an instruction of an operator; and an extension registration step for making one or a plurality of extensions, among file name extensions associated with application programs to be executed, be registered by the computer system based on an instruction of an operator.

Hugard teaches *an application registration step for making one or a plurality of application programs, among application programs to be executed, be registered by the computer system based on an instruction of an operator* (column 4, lines 33-47: monitoring user-selected files (e.g., application files) upon request by the user); *and an extension registration step for making one or a plurality of extensions, among file name extensions associated with application programs to be executed, be registered by the computer system based on an instruction of an operator* (column 5, lines 27-31: files which have file extensions which are provided by the user as files to be monitored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of McBride with the teaching of Hugard because it would save the memory or disk drive storage and CPU usage of the computer by monitoring and storing only information about users' selected application programs or files.

As per claim 11, McBride teaches *a new file name is generated by changing, based on a predetermined algorithm, an extension portion included in a file name of data stored into the first storage unit (40) and storing the backup data into the second*

Art Unit: 2162

storage unit (70) using the new file name (paragraph [0074]: filenames on the mirror disk have a revision number placed after the filename and before the extension).

As per claim 12, McBride teaches *a new file name is generated by changing, based on a predetermined algorithm, an extension portion included in a file name of data stored into the first storage unit (40) and storing the backup data into the second storage unit (70) using the new file name* (paragraph [0074]: filenames on the mirror disk have a revision number placed after the filename and before the extension).

6. **Claims 5 and 13-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over McBride in view of Hugard, and further in view of Publication Number 2002/0138504 issued to Yoshihiro Yano et al. ("Yano").

As per claim 5, McBride and Hugard teach the system to claim 1 as discussed above. McBride teaches *the second storage unit (70) is arranged from a plurality of data storage devices (71, 72, and 73)* (see abstract: the two or more backup data storage locations).

McBride and Hugard do not explicitly teach a divided storage processing unit (80), being connected to the plurality of data storage devices via a network, performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices, and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore

Art Unit: 2162

provided, and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit.

Yano teaches *a divided storage processing unit (80), being connected to the plurality of data storage devices via a network (paragraph [0018] and Figure 1: a distributed data archive device 1), performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices (paragraph [0005]: a division means for dividing data to be saved into a plurality of parts), and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided (paragraph [0005]: a data management means for recording data-depository information that indicates a depository of the data to be saved and data-saving procedure information that indicates a dividing method of the data to be saved and the like onto the portable recording medium when data-saving is newly carried out), and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit (paragraph [0056]: the backup of data).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride and Hugard with the teaching of Yano because it would increase the security of the stored data when the data is divided and saved in a plurality of servers (paragraph [0004] from Yano).

As per claim 13, McBride and Hugard teach the system to claim 2 as discussed above. McBride teaches *the second storage unit (70) is arranged from a plurality of data storage devices (71, 72, and 73) (see abstract: the two or more backup data storage locations).*

McBride and Hugard do not explicitly teach a divided storage processing unit (80), being connected to the plurality of data storage devices via a network, performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices, and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided, and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit.

Yano teaches *a divided storage processing unit (80), being connected to the plurality of data storage devices via a network (paragraph [0018] and Figure 1: a distributed data archive device 1), performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices (paragraph [0005]: a division means for dividing data to be saved into a plurality of parts), and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided (paragraph [0005]: a data management means for recording data-depository information that indicates a depository of the data to be saved and data-saving procedure information that indicates*

Art Unit: 2162

a dividing method of the data to be saved and the like onto the portable recording medium when data-saving is newly carried out), *and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit* (paragraph [0056]: the backup of data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride and Hugard with the teaching of Yano because it would increase the security of the stored data when the data is divided and saved in a plurality of servers (paragraph [0004] from Yano).

As per claim 14, McBride and Hugard teach the system to claim 3 as discussed above. McBride teaches *the second storage unit (70) is arranged from a plurality of data storage devices (71, 72, and 73)* (see abstract: the two or more backup data storage locations).

McBride and Hugard do not explicitly teach a divided storage processing unit (80), being connected to the plurality of data storage devices via a network, performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices, and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided, and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit.

Yano teaches *a divided storage processing unit (80), being connected to the plurality of data storage devices via a network* (paragraph [0018] and Figure 1: a distributed data archive device 1), *performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices* (paragraph [0005]: a division means for dividing data to be saved into a plurality of parts), *and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided* (paragraph [0005]: a data management means for recording data-depository information that indicates a depository of the data to be saved and data-saving procedure information that indicates a dividing method of the data to be saved and the like onto the portable recording medium when data-saving is newly carried out), *and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit* (paragraph [0056]: the backup of data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride and Hugard with the teaching of Yano because it would increase the security of the stored data when the data is divided and saved in a plurality of servers (paragraph [0004] from Yano).

As per claim 15, McBride and Hugard teach the system to claim 4 as discussed above. McBride teaches *the second storage unit (70) is arranged from a plurality of data*

Art Unit: 2162

storage devices (71, 72, and 73) (see abstract: the two or more backup data storage locations).

McBride and Hugard do not explicitly teach a divided storage processing unit (80), being connected to the plurality of data storage devices via a network, performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices, and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided, and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit.

Yano teaches *a divided storage processing unit (80), being connected to the plurality of data storage devices via a network* (paragraph [0018] and Figure 1: a distributed data archive device 1), *performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices* (paragraph [0005]: a division means for dividing data to be saved into a plurality of parts), *and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided* (paragraph [0005]: a data management means for recording data-depository information that indicates a depository of the data to be saved and data-saving procedure information that indicates a dividing method of the data to be saved and the like onto the portable recording medium when data-saving is newly carried out), *and when a process of storing backup*

Art Unit: 2162

data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit (paragraph [0056]: the backup of data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride and Hugard with the teaching of Yano because it would increase the security of the stored data when the data is divided and saved in a plurality of servers (paragraph [0004] from Yano).

As per claim 16, McBride and Hugard teach the system to claim 11 as discussed above. McBride teaches *the second storage unit (70) is arranged from a plurality of data storage devices (71, 72, and 73)* (see abstract: the two or more backup data storage locations).

McBride and Hugard do not explicitly teach a divided storage processing unit (80), being connected to the plurality of data storage devices via a network, performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices, and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided, and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit.

Yano teaches *a divided storage processing unit (80), being connected to the plurality of data storage devices via a network* (paragraph [0018] and Figure 1: a distributed data archive device 1), *performing a process of dividing a provided file into a*

Art Unit: 2162

plurality of division files and storing the division files respectively into different data storage devices (paragraph [0005]: a division means for dividing data to be saved into a plurality of parts), *and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided* (paragraph [0005]: a data management means for recording data-depository information that indicates a depository of the data to be saved and data-saving procedure information that indicates a dividing method of the data to be saved and the like onto the portable recording medium when data-saving is newly carried out), *and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit* (paragraph [0056]: the backup of data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride and Hugard with the teaching of Yano because it would increase the security of the stored data when the data is divided and saved in a plurality of servers (paragraph [0004] from Yano).

As per claim 17, McBride and Hugard teach the system to claim 12 as discussed above. McBride teaches *the second storage unit (70) is arranged from a plurality of data storage devices (71, 72, and 73)* (see abstract: the two or more backup data storage locations).

McBride and Hugard do not explicitly teach a divided storage processing unit (80), being connected to the plurality of data storage devices via a network, performing

Art Unit: 2162

a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices, and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided, and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit.

Yano teaches *a divided storage processing unit (80), being connected to the plurality of data storage devices via a network* (paragraph [0018] and Figure 1: a distributed data archive device 1), *performing a process of dividing a provided file into a plurality of division files and storing the division files respectively into different data storage devices* (paragraph [0005]: a division means for dividing data to be saved into a plurality of parts), *and outputting information indicating a method of division and indicating data storage devices that became storage destinations of the respective division files as management information, is furthermore provided* (paragraph [0005]: a data management means for recording data-depository information that indicates a depository of the data to be saved and data-saving procedure information that indicates a dividing method of the data to be saved and the like onto the portable recording medium when data-saving is newly carried out), *and when a process of storing backup data into the second storage unit is performed, a file of the backup data is provided to the divided storage processing unit* (paragraph [0056]: the backup of data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of McBride and Hugard with the teaching of

Art Unit: 2162

Yano because it would increase the security of the stored data when the data is divided and saved in a plurality of servers (paragraph [0004] from Yano).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Number 7,653,915

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHONG NGUYEN whose telephone number is (571)270-1766. The examiner can normally be reached on Monday-Friday, 8:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2162

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/Phong Nguyen/
Examiner, Art Unit 2162
September 10, 2010